

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GOULD PAPER CORPORATION

Plaintiff,

-against-

ALEX GOMEZ and JOHN HUEMPFFNER

Defendants.

07-CIV-6087
JUDGE CHIN

**DECLARATION OF ALEX GOMEZ IN SUPPORT OF THE DEFENDANTS'
MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER**

STATE OF FLORIDA)
)ss:
COUNTY OF BROWARD)

I, Alex Gomez, being duly sworn, deposes and says the following:

1. That am over the age of eighteen (18) and have personal knowledge of the foregoing.
2. At all times relevant, myself and John Huempffner worked for the Plaintiff as a salesperson in their Florida Division. As such, we serviced customers exclusively in the Florida region.
3. At all times relevant, and to this day, myself and John Huempffner reside in the State of Florida.
4. At no point in time have I ever signed a contractual forum selection contract with the Plaintiff which would mandate litigation in New York.
5. During material times, I only traveled to New York on two occasions, of which my travel and lodging were paid for by the Plaintiff. Plaintiff's allegation about

our personal stay at the Waldorf is inaccurate as this is one of those two occasions of a business convention on behalf of the Plaintiff and was reimbursed by the Plaintiff.

6. In order for myself and John Huempfer to mount a viable defense, we would require the participation and testimony of many witnesses who are located in South Florida. A sample of those witnesses is attached to Defendant's Reply Memorandum as "Exhibit A", and re-incorporated into this Affidavit.

7. It would be an extreme financial burden and grossly inconvenient on myself, and John Huempfer to litigate this case in New York as most, if not all of our witnesses are located in Florida and our counsel is located in South Florida.

8. The Plaintiff is a billion dollar company with the means to litigate this matter in any forum, including Florida. We worked for their Florida operation, which has a warehouse in Florida. Their witnesses attached to their "Opposition Memorandum" are all employees of the Plaintiff.

9. I do not have the financial means to litigate this case in New York against the Plaintiff, who has a far greater financial ability.

FURTHER AFFIANT SAYETH NAUGHT

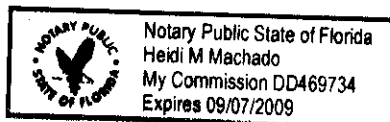
STATE OF FLORIDA

COUNTY OF BROWARD

Alex Gomez

) SS:

The foregoing affidavit was sworn to and acknowledged before me this 20th day of September 2007, by Alex Gomez, who is personally known to me or has produced as identification and who did take an oath.



Printed Name _____
Notary Public, State of _____
Commission Number: _____